

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Operations and Administration

STRATEGY NAME: OA-3: Sanctuary Advisory Council

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

None; introductory two paragraphs to Strategy OA-3

WHY is Modification to Strategy or Activity Language Necessary?

The Plan should more strongly emphasize strengthening ties between Program and MBNMS staff management and user groups, local governments, agencies and the broader community who are involved in the MBNMS. Long-term cooperative relationships with the above will remain the most effective means to address resource protection concerns. The Plan should explicitly indicate the MBNMS's intent to evaluate its ability to sustain ties with the SAC to enable the SAC to have the independence needed to successfully execute its charge. The Plan should enhance flexibility in MBNMS's management approaches, working through these cooperative relationships, and avoid the Sanctuary's becoming a rigid regulatory bureaucracy, which is an increasingly common impression among constituents. These paragraphs should state these intentions clearly.

HOW Would You Change the Language to Replace the Original Language?

Insert a new paragraph following "*Purpose*" as follows:

"Through this strategy, the Plan provides the basis and direction for strengthening the ties between Sanctuary management and the user groups, local governments, agencies and the broader community who have been, and will continue to be involved in the MBNMS's creation and functioning. MBNMS will review ways of providing the SAC with increased independence and strengthening of its role as a trusted partner in MBNMS management, and as an effective liaison between management and the community."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Operations and Administration

STRATEGY NAME: OA-3: Sanctuary Advisory Council

ACTIVITY NAME: 3.3: Changes to the SAC Charter and Protocols

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Activity 3.3, paragraph 3

WHY is Modification to Strategy or Activity Language Necessary?

The overall question of the SAC's functioning, including its current domination by Program and MBNMS management – e. g., selection of members, setting of agendas, and communications – raises serious concerns about the SAC's ability to function effectively, now and in future, as liaison between the community and Sanctuary management, and to fulfill its other vital role as cooperating partner in Sanctuary management.

This concern was noted in the NAPA report which stated:

“...the charters clearly convey distrust, and they utterly fail to suggest how the council can help a sanctuary become a more influential and effective force for marine conservation. Since the sanctuary program appoints council members for limited terms, one might think that the sanctuary manager would have a great deal of influence over the council and would not want to spell out the council's limited authority quite so plainly...The charter is hardly an invitation to council members to roll up their sleeves and help.”

Of further concern is the lack of participatory recognition given in SAC deliberations generally and the Management Plan Review Process to the Association of Monterey Bay Area Governments (AMBAG), which is comprised of elected officials representing 25 public agencies (not including any from San Mateo County). AMBAG voted unanimously to request major changes in the SAC Charter and Protocols.

As written, this Activity description, and this paragraph in particular, say nothing of use to the public as to this profoundly important concern, whether the plan proposes to address it, and if so, how. This needs to be articulated; as written, it sounds more like “black box” planning.

HOW Would You Change the Language to Replace the Original Language?

Amend paragraph 3 as follows: Make it the fifth paragraph.

Insert a new third paragraph as follows:

“Under the current SAC structure, the Association of Monterey Bay Area Governments (AMBAG), which is comprised of elected officials representing 25 public agencies (not including any from San Mateo County), is provided minimal representation and participation in both SAC deliberations generally, and the Management Plan Review Process in particular. AMBAG voted unanimously to request major changes in the SAC Charter and Protocols. The AMBAG recommendations concerning the SAC include the following:

1. AMBAG and MBNMS should jointly convene a staff level local governments and affected special districts liaison group (similar to the Urban Runoff Task Force) to address SAC issues and upcoming MBNMS projects and programs. This would assist MBNMS in early identification of issues affecting local governments.
2. MBNMS should use the AMBAG Board of Directors to obtain policy input on all Sanctuary issues affecting local governments.
3. Have a more representative SAC member selection process to ensure that members are seated who truly represent their areas of interest.
4. MBNMS should contract with AMBAG to develop and maintain an ongoing local government liaison and outreach program.
5. Request amendment of the Charter and Protocols to enable the SAC to communicate with Congress without concurrence of the MBNMS Superintendent.
6. Request amendment of the Charter and Protocols to require SAC members to file an annual conflict of interest disclosure statement."

Insert a new fourth paragraph as follows:

"The following changes to the Charter and Protocols also have been proposed and should be considered for adoption in order to strengthen the SAC's legitimacy in the community and its effectiveness in carrying out its liaison and partnership roles:

- 1) SAC membership: The various user groups and constituencies represented on the SAC should be able to choose their own representatives without final approval by the MBNMS management. Types of representation on the SAC should be reviewed periodically.
- 2) SAC agendas: The SAC should have the authority to set its own meeting agendas, provided that it gives adequate notice to MBNMS management and the public and affords management an opportunity to place items on the SAC agenda that it deems necessary.
- 3) SAC communications: SAC written communications should not require prior MBNMS management approval. The SAC should have the ability to keep its several Congressional representatives apprised of its deliberations and other relevant matters of MBNMS business.
- 4) SAC members shall file annual conflict of interest statements that identify both the individual's and the individual's organization's, if any economic interests and/or other dependencies and relationships.
- 5) Review of the SAC's Charter and Protocols should be done independently of the SAC, the MBNMS, and the NMSP. This independent review shall include, at a minimum, representatives of AMBAG, San Luis Obispo County, and San Mateo County, unless the MBNMS/GFNMS boundary is changed to remove San Mateo County waters, in which case the latter would not be represented."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Cruise Ship Discharges

STRATEGY NAME: None

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Section entitled "Action Plan Components", second sentence

WHY is Modification to Strategy or Activity Language Necessary?

As with other issues, a determination that a regulation or other restriction on certain activity should be science-based. Making rules without adequate foundation is a bad precedent for intelligent resource protection and management.

HOW Would You Change the Language to Replace the Original Language?

Amend the second sentence of "Action Plan Components" as follows: Insert the following underlined language in this sentence:

"Although there are a number of existing laws and regulations that partly address this issue, there is a need for a more comprehensive prohibition on harmful cruise ship discharges within the MBNMS, based upon a rigorous scientific analysis of discharges and their impacts on sanctuary resources".

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Cruise Ship Discharges

STRATEGY NAME: CS-1: Harmful Discharge Prohibition

ACTIVITY NAME: Activity 1.1: Compile Additional Background Information Needed to Support Regulation Including On-Board Disposal Practices and Impacts to Resources From: etc.”

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Activity 1.1

WHY is Modification to Strategy or Activity Language Necessary?

As with other issues, a determination that a regulation or other restriction on certain activity should be science-based. Making rules without adequate foundation is a bad precedent for intelligent resource protection and management.

HOW Would You Change the Language to Replace the Original Language?

Amend the Activity statement as follows: Add the following sentence to this Activity:

“Carry out, cause to be carried out, or support scientific analysis of cruise ship discharges to identify harmful impacts on sanctuary resources and establish a basis for discharge prohibitions as examined in Activity 1.2 and treatment and monitoring levels needed for discharge exemptions as examined in Activity 1.4””.

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: PLAN TITLE

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

“Dredge Disposal”

WHY is Modification to Strategy or Activity Language Necessary?

The term “disposal” perpetuates the widespread pejorative attitude that harbor dredging is inherently bad; it’s in the same category as “dredge spoils”. A change in language would help in addressing the legitimate concerns about dredging, including questions about beneficial use of dredged material by reducing the emotional content.

HOW Would You Change the Language to Replace the Original Language?

Replace “Dredge Disposal” in the title and everywhere else in this document with “Dredged Material Placement”.

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: Section entitled "Introduction"

ACTIVITY NAME: None

WHAT is the Original Strategy or Activity Language You Would Like to Modify?

Paragraph 1

WHY is Modification to Strategy or Activity Language Necessary?

To better inform the reader right at the beginning of this Plan of the importance of harbors to the Sanctuary, and hence the importance of addressing the issues raised and the need for change as proposed herein

HOW Would You Change the Language to Replace the Original Language?

Move the last sentence of the paragraph entitled "Current MBNMS Regulations" on p. 36 that begins with "We recognize that harbors are the gateways to accessing..." into paragraph 1 of "Introduction" to become the second sentence of the Introduction.

Add the following to the "Introduction", paragraph 1's new second sentence after "...accessing the MBNMS": "that the Sanctuary region's harbors are recognized as partners with the Sanctuary, that they provide direct and significant public access points to Sanctuary waters, its fish, wildlife, and aquatic habitats for public use, education, research, and conservation, and that these harbors provide major economic benefits to the Sanctuary region, the harbors' respective communities, the state and the nation."

Begin a new sentence after the above with: "We also recognize that physical processes, such as sediment [etc.]

Add the following to the preceding sentence after ".....littoral transport": "and that these physical processes may not be adversely affected by harbor dredging operations but occur naturally."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: Section entitled "Current MBNMS Regulations"

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Paragraph 5, line 1

WHY is Modification to Strategy or Activity Language Necessary?

Isn't that an incorrect statement? Don't the harbors have to get an authorization from the Sanctuary?

HOW Would You Change the Language to Replace the Original Language?

Replace the existing with the following: "Local harbors must obtain a Corps of Engineers permit that is "authorized" by the MBNMS when the harbors desire to place dredge sediments in the MBNMS....."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: None; section entitled "Current MBNMS Regulations"

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

None

WHY is Modification to Strategy or Activity Language Necessary?

Gap in section language to be filled. Section makes no reference to beneficial use of dredged material, and to the fact that, apparently, MBNMS regulations make no provision for it

HOW Would You Change the Language to Replace the Original Language?

Add a new final paragraph stating: "MBNMS regulations concerning the authorization of dredging permits currently make no reference to the potential for, or possible preference for, beneficial use of dredged material. Increased permitting of beneficial use dredged material placement alternatives by permit agencies suggests a need to consider this possibility by the MBNMS."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: Section entitled "Strategy Description"

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

First sentence

WHY is Modification to Strategy or Activity Language Necessary?

No consensus was reached within the harbors and dredging working group regarding the inclusion of this sentence in the Plan – and the continuation of this Sanctuary activity. –The first part of this sentence: "The MBNMS will continue its role in authorizing permits for dredge disposal, while considering and improving the interagency review process" was presented to the working group by MBNMS staff as a given at the outset of the working group's deliberations in January 2003. This was so even after repeated statements from the Sanctuary Program director, the MBNMS superintendent, and MBNMS staff that the issues raised during the issue identification stage would be addressed during the process. This point, the continuation of the authorization role, was never presented for discussion, even though it was raised as a significant issue by the harbors. Moreover, working group members were told by staff not to take positions but to air interests, although this sentence appeared as an unequivocal position in staff's January 2003 document entitled "ISSUE BACKGROUND: Coastal Development: Dredge Disposal" in the section "Categories of Discussion". This section began: "The MBNMS will continue its role in authorizing permits for dredge disposal. As a starting point for Workgroup discussions, a list of potential categories of topics to be addressed is included below [my emphasis]"

The "authorization" issue was clearly off the table, and not to be discussed. This is an example of the double standard employed by the Sanctuary Program and MBNMS in considering issues of particular importance to the Program. (Another way was to allocate certain other issues to "internal" staff review without benefit of SAC/stakeholder involvement through working groups.)

See further comments related to Activity 1.1 below as an additional approach to addressing the issue in the Plan.

HOW Would You Change the Language to Replace the Original Language?

Delete the first sentence of "HDD-1 Strategy Description.

If the SAC or MBNMS staff do not choose to delete the first sentence, at the very least the following language should be inserted as a new second sentence in "Strategy Description": "No consensus was reached in the harbor dredging working group regarding the inclusion of the MBNMS' current role in authorizing dredging permits either as a discussion category or as Plan language, as the item was removed from consideration by MBNMS staff at the outset."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: Section entitled "Harbors Adjacent to the MBNMS"

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Sentence 1 of the paragraph

WHY is Modification to Strategy or Activity Language Necessary?

To better inform the reader to what the paragraph refers

HOW Would You Change the Language to Replace the Original Language?

Add the following after "(MBNMS)": "Monterey (Monterey County), Moss Landing (Monterey County), Santa Cruz (Santa Cruz County), and Pillar Point (San Mateo County)."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: HDD-1: Agency Coordination Improvements

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

None; there's a gap to be filled (see "How" below)

WHY is Modification to Strategy or Activity Language Necessary?

Harbor representatives mentioned in various communications to MBNMS staff and stakeholders that Section 922.132 presents a fundamental issue for harbors. Some flexibility to this section is necessary to enable harbors to meet their future dredging needs. For example, pipe placement, volume, and grain size all change over time. Within reason, these changes should be recognized as normal and that reasonable adjustments do not violate the "no new dredging" prohibition. Additionally, Pillar Point Harbor's potential future dredging needs were not considered at the time the prohibition was established; and Monterey Harbor may need to dredge in the future as well. However, full consideration of this basic harbor issue was not given in the working group.

HOW Would You Change the Language to Replace the Original Language?

Insert a new Activity 1.3: Section 922.132 Review. Status: Phase I. Potential Partners: regulatory agencies, harbors, others. Language as follows:

Work collaboratively with others to review Section 922.132 in order to identify amendment language that will provide needed flexibility to harbors while maintaining adequate strength in the permit review process to ensure Sanctuary resource protection.

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: HDD-1: Agency Coordination Improvements

ACTIVITY NAME: 1.1: Conduct Coordinated Permit Review

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Listing of recommendations A-G

WHY is Modification to Strategy or Activity Language Necessary?

Item is missing and should be included

HOW Would You Change the Language to Replace the Original Language?

Add a new item as follows: "H. For maintenance dredging, lower tier testing should be seriously considered. Small maintenance project exemptions should be permitted, based upon acceptable grain size criteria. Performance-based alternatives to existing "parts per million" specification-based criterion should be developed to provide a more realistic basis for permit analyses without losing environmental protection control."

LANGUAGE MODIFICATION WORKSHEET

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: HDD-2: Offshore Disposal Sites

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

None; a gap in presentation needs to be filled

WHY is Modification to Strategy or Activity Language Necessary?

More flexibility is needed in how harbor dredging and dredged material placement are handled by the MBNMS, while keeping needed environmental protection controls in place. Sanctuary staff should not be constrained by existing rigid prohibitions in addressing future dredging and dredged material placement needs. Future dredging and dredged material placement project applications, including those that have acceptable, even beneficial, environmental characteristics, would continue to come before all regulatory agencies and the MBNMS and be reviewed on their merits, but should not be summarily rejected because they are "new" operations not conducted before January 1992.

Just as MBNMS is promoting MPAs and PWC zones, harbor zones could be established, which would be areas in which current restrictions under Section 922.132 would not apply, but there would be full MBNMS regulatory authority as per Title III of the MPRSA. Such zones would not entail a Sanctuary boundary change, but simply a designation of a special use area. Sanctuary authority would remain intact within these zones, and over any deleterious flows into Sanctuary waters. These zones would not be precedent-setting, as they would apply only to the four existing navigation channels. They would clearly provide recognition of the four harbors as gateways to the MBNMS. This concept was brought to the working group, but was not given full review and consensus was not reached on how to handle it.

HOW Would You Change the Language to Replace the Original Language?

Insert a new Activity 2.4 as follows:

"Activity 2.4: Evaluate the Utility of Establishing Harbor Special Use Zones around the entrances to Monterey, Moss Landing, Santa Cruz, and Pillar Point Harbors. More flexibility is needed in how harbor dredging and dredged material placement are handled by the MBNMS, while keeping needed environmental protection controls in place. Sanctuary staff should not be constrained by existing rigid prohibitions in addressing future dredging and dredged material placement needs. Such projects should be evaluated on their merits by all permit agencies and the MBNMS. Creation of harbor special use zones would enable such projects to be analyzed on the basis of specific technical criteria, including environmental ones, and not simply dismissed because of categorical prohibitions. Consideration of this approach would include, but not be limited to, the following steps:

- A. Review of existing legal prohibitions in light of current and expected future conditions, e. g., dredging needs of Pillar Point Harbor, which were not considered in 1992
- B. Identification of harbor zone areas based on analyses of each harbor's operational needs
- C. Articulation of dredging and dredged material placement permit review, approval, and authorization processes in the context of harbor zones, with focus on ensuring continued provision of adequate environmental protection controls

D. Identification and analysis of possible alternative legal, administrative, or other actions that may preclude the need for establishment of harbor zones

Status: Phase I

Potential Partners regulatory agencies, harbors, environmental organizations, others

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: HDD-2: Offshore Disposal Sites

ACTIVITY NAME: 2.3: Evaluate Potential New Dredge Disposal Site for Pillar Point Harbor

WHAT is the Original Strategy or Action Language You Would Like to Modify?

(a) First paragraph of Activity, last sentence; and (b) second paragraph, item B, second sentence

WHY is Modification to Strategy or Activity Language Necessary?

For purposes of clarification for readers. Re: (a), see HOW language below.

In the case of (b) second sentence, while designation of a new dredged material placement site may be considered as a "significant change" to MBNMS regulations, this statement does not appear in the Plan item on Special Marine Protected Areas (MPAs), which would be a far more significant change in MBNMS regulations (assuming that establishment of Special MPA(s) would call for a change in MBNMS regulations). If you want to leave the sentence in, then a similar sentence must be prominently inserted in the MPA item. [NOTE: We consider this another example of the unacknowledged, and regrettable, bias of MBNMS staff against dredging.]

HOW Would You Change the Language to Replace the Original Language?

(a) Insert the following language after "...of berth capacity,": "which was estimated to require dredging of approximately 10,000 cubic yards. Placement of this dredged material was planned for the Harbor District's approved inner harbor dredge material placement site, not within Sanctuary waters." THEN: Make a new sentence by deleting "which" and starting with: "The Working Group requested...." THEN: Add the following new sentence: "This approved inner harbor placement site may be able to absorb some of the proposed material from the maintenance dredging, but that would need to be analyzed at the time the project proceeds."

(a) Delete the second sentence entirely

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: HDD-5: Alternative Disposal Methods

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Section entitled "Strategy Description"

WHY is Modification to Strategy or Activity Language Necessary?

Gap in presentation

HOW Would You Change the Language to Replace the Original Language?

Add the following sentences to paragraph 1 in this section after "...given beneficial use.": "Beneficial uses of standards-compliant sediments may include beach nourishment for public safety, including the benefit of swimmers, surfers, kayakers, and other beach users; and for shoreline protection by reducing erosion that may adversely affect needed public developments such as the coast highway. Such beneficial uses would be determined feasible after appropriate technical analyses of the sediments, topographical and hydrological, and other conditions."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Harbors and Dredge Disposal

STRATEGY NAME: HDD-5: Alternative Disposal Methods

ACTIVITY NAME: 5.1: Evaluate Potential Beneficial Usage of Dredged Materials

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Activity 5.1

WHY is Modification to Strategy or Activity Language Necessary?

Gap in language to be filled. The proposal is to amend the regulations now to provide for beneficial uses only if and when they are determined to be feasible and consistent with regulations. Otherwise, the lengthy process of amending the regulations would happen only after all the analyses, evaluations, and determinations is done, thereby delaying implementation of an otherwise acceptable project, probably for years.

HOW Would You Change the Language to Replace the Original Language?

Add a new item "F" as follows: "F. Review existing regulations and draft proposed amendments to regulations to enable approval of beneficial uses of dredged materials if and when all local, state and other federal permit review requirements are met."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: None

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

None. Section entitled "Workgroup Planning", paragraph 1, first sentence; and paragraphs 3 and 4

WHY is Modification to Strategy or Activity Language Necessary?

Paragraph 1, first sentence: The sentence begins "To address the issue of properly protecting the Sanctuary's marine ecosystem via MPAs,..." Again, these words presuppose a decision by the MBNMS to institute MPAs in the Sanctuary. They even contradict the statement in paragraph 2 of this section that states: "The Workgroup also was asked to develop a framework to address the need for, and if necessary, general criteria for and types of special MPAs [my emphasis] in the federal waters of the Sanctuary." This latter statement should be the operative one.

Paragraphs 3 and 4: For purposes of clarification and to be consistent with the above-referenced statement from paragraph 2.

HOW Would You Change the Language to Replace the Original Language?

Delete the following in paragraph 1, first sentence: "To address the issue of properly protecting the Sanctuary's marine ecosystem via MPAs," and begin the sentence with "The MBNMS has developed..."

Replace paragraph 3 with the following: "The framework referred to in paragraph 2 is set forth in the set of Strategies and Activities that follows. The NMSP will continue the planning effort in the future with the Workgroup using the framework as a guide. Much detailed work remains to conduct a thorough evaluation of the issue as outlined in the Introduction to this draft Action Plan and the following Strategies."

Delete paragraph 4.

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: None

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

None. The section entitled "Goal Statement"

WHY is Modification to Strategy or Activity Language Necessary?

The current draft language in this section is inappropriate. It is so broad that it could apply to the entire Plan; so if it is considered necessary, it should be in the Plan introduction and not simply in this SMPA section.

Second, the latter part of this section refers to a goal for SMPA design. This is at best premature. It presupposes that SMPAs are in fact necessary without making any reference to the essential preliminary steps that might lead to the design stage. This concern was discussed at great length in the working group, and no consensus was reached on this matter. The following paragraphs further articulate our reasoning supporting changes to the Goal Statement, Introduction, Workgroup Planning, and subsequent Strategy sections of this draft action plan.

Third, the fundamental issue of the MBNMS's encroachment into the realm of fisheries management also eluded consensus in the working group. Improving biodiversity and habitat protection were viewed as being addressed by improving water quality and providing protection from oil drilling. Fishing was not considered to be an issue. Yet the last sentence of the current draft Goal Statement states that "an important goal for special MPAs in the MBNMS is to design them in such a way that they allow for the long-term continuation of sustainable fishing practices in the Sanctuary." In view of the fact that the strategies in this draft action plan focus directly on special MPA design and implementation, it is clear that the MBNMS intends to undertake fisheries management within the framework of its updated Management Plan, whether it chooses to call it ecosystem or habitat protection or not. This conclusion is further supported by the Program's undated internal staff document entitled "Regulatory Coordination Between the National Marine Sanctuaries Program and Fishery Management Agencies", which was distributed to SAC members by the MBNMS Superintendent on January 28, 2003.

Significantly, the Superintendent's June 25, 2003 letter to SAC member Canale states that the "NMSP does not focus on management of fish stocks either individually or as a whole, but considers the health of the ecosystem, and thus may, in that context, consider addressing fishing activities that may have an adverse impact on Sanctuary resources and ecosystems.....NOAA is focused on making this a process that is complementary to fisheries management. [my emphasis]" Note "complementary to", not "identical with".

Now, the MBNMS's Final EIS, Vol. II (B-24) states: "Fishing is not being regulated as part of the Sanctuary regime and is not included in the Designation Document as an activity subject to future regulation." This document further states, however, that: "Should problems arise in the future [my emphasis] NOAA would consult with the State, PFMC and NMFS as well as the industry to determine an appropriate course of action." Indeed, conditions may change over time. The Superintendent's June 25th letter refers to "a list of problems occurring in the Sanctuary region that we believe warrant an evaluation and consideration of the utility of special MPAs within the Sanctuary. These include: declining

biodiversity, disruption of predator-prey relationships, habitat damage, lack of adequate buffers for ecological catastrophes, and lack of locations where scientists can study fully intact ecosystems." None of these assumed problems are directly fishing-related. No data were provided to the work group to support the Superintendent's problem list. Without substantiating data that there are specific fishing-related problems, there is no legal basis for establishing MPAs.

Thus, an approach is needed to the issue of ecosystem and habitat protection that would be "complementary to fisheries management" as done by the currently responsible federal and state agencies and not Sanctuary action that is duplicative or over-arching, and that would maintain a trusting and constructive relationship with the fishing community. This approach would consist of the following:

All comments received during the Joint Management Plan Review's Public Scoping Period regarding MPAs in the MBNMS should be gathered and forwarded to the State Department of Fish and Game and the Federal Pacific Fisheries Management Council. Acknowledging that the MBNMS designation documents contain references to "enhancing biodiversity" and "habitat protection", and the desired focus of the Sanctuary Program should be on developing valid and reliable scientific information on the MBNMS ecosystem, All comments received during the Joint Management Plan Review's Public Scoping Period regarding MPAs in the MBNMS should be gathered and forwarded to the State Department of Fish and Game and the Federal Pacific Fisheries Management Council.

To the extent that MBNMS believes that there are biodiversity and habitat problems, MBNMS needs to undertake or request execution of a coherent set of actions as set forth in our proposed modifying language for this Goal Statement and the Introduction, Workgroup Planning, and subsequent Strategy sections of this draft Action Plan. These actions would start with an investigation of ecosystem and habitat status and conditions, including fisheries, leading to findings as to whether MPAs for Sanctuary waters, federal or state or both, are warranted; and if so, on what basis, for what purposes, with what characteristics, what mitigation for unavoidable adverse impacts on user communities would be needed, and how would the existing fisheries management agencies implement and monitor such MPAs. Providing such input to these agencies would constitute a complementary, cooperative, and educational role that would be consistent with the MBNMS's basic mission, and one that would not involve extending the MBNMS's regulatory role.

HOW Would You Change the Language to Replace the Original Language?

Replace the existing section entitled "Goal Statement" with the following:

"Through this Plan, the MBNMS will take the following steps: (a) All comments received during the Joint Management Plan Review's Public Scoping Period regarding MPAs in the MBNMS will be gathered and forwarded to the State Department of Fish and Game and the Federal Pacific Fisheries Management Council, with the request that these agencies consider ecosystem and habitat protection in their fisheries management decision-making; (b) Through a working group process, review the existing management plan to clarify the basis, if any, on which the Sanctuary might take action that may lead to loss of fishing opportunities; and (c) Develop or promote the development of a framework to address the need for, and if necessary, location, and type of marine reserves in the federal waters of the Sanctuary, and to provide a basis for continued MBNMS participation in the State MLPA workgroup process regarding state waters within the MBNMS." [NOTE: The SAC voted on developing a framework to address the need for marine reserves in ranking this issue for further examination in the Plan review process.]

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: None

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

None. Section entitled : "Introduction"

WHY is Modification to Strategy or Activity Language Necessary?

The existing draft language in this section presupposes a decision that MPAs are necessary. Notwithstanding the statement by the MBNMS Superintendent in his June 25th 2003 letter that "the proposed action plan does not recommend that the Sanctuary take action to establish special MPAs at this time", this draft introductory language does not indicate that the plan should – and will - place an examination of MPAs in the context of a reasoned process of (a) science-based needs assessment including documentation of ecosystem, habitat, and fisheries damage and causes of damage, (b) assessment of existing protective measures in California including, e. g., the current PFMC groundfish closure, and other existing marine reserves, (c) analysis of whether these existing measures can be improved and if so, the extent to which they will address the conclusions of the needs assessment, and then, (d) leading to conclusions as to whether MPAs are needed. At this point, questions of MPA design become relevant.

The existing draft Introduction does not consider such a process, but instead sets the stage for an extensive action plan treatment of MPA design (MPA 2-11), as if the MBNMS has indeed decided to proceed with them. After extensive discussion of these matters in the working group, no consensus was reached on how to proceed. However, the following proposed language appears to provide a more appropriate and responsive foundation for the strategies to follow than the current draft, especially in view of the MBNMS Superintendent's statement that the plan does not recommend taking action to establish special MPAs at this time, and his further statement in his June 25th letter that the work group was to "develop a framework for how best to evaluate special MPAs within the MBNMS in the context of ecosystem protection".

HOW Would You Change the Language to Replace the Original Language?

Replace the existing draft section entitled "Introduction" with the following:

"Introduction

This action plan's goal of developing a framework to address the need for, and if necessary, the characteristics of, MPAs in Sanctuary waters calls for a reasoned sequence of steps. This sequence is outlined in the strategies to follow and includes:

- (1) a science-based assessment of MBNMS ecosystem, habitat, and fisheries conditions and threats to their continued health and sustainability, including an analysis based on the most current understanding of fisheries including natural multi-year fish population swings by DFG and PFMC, and involving the participation of the fishing community; followed by
- (2) an analysis of existing federal, state, and local protective regulations, policies, guidelines, and fishery management practices, fishing effort, and gear types in California, including a science-based review of all existing marine protected areas along the California coast, an evaluation of whether these

existing measures can be improved and the extent to which they will address the conclusions of the needs assessment, and an identification of remaining gaps in protection that could be filled by using MPAs, again involving fishing community participation; then,

- (3) an identification of MPA design criteria for MPAs in federal waters, which shall include that siting of any new MPAs shall be based solely on the evidence regarding the site itself, and that specific MPA locations must be supported by the fishing community;
- (4) procedures for coordination of MPA design for federal waters with the state's MLPA process;
- (5) consideration of types of MPAs and what threats they would be designed to address;
- (6) analysis of integration and coordination of MPA use with other resource management measures including (a) identification of the appropriate MPA implementing agency or agencies, and (b) compliance and enforcement;
- (7) a detailed socioeconomic impact analysis of MPAs on users of MBNMS waters, their communities, and their economies and a plan for mitigating adverse impacts;
- (8) identification of education and outreach needs in support of resource protection, whether or not MPAs are determined to be necessary;
- (9) evaluation of MPA implementation phasing, especially with regard to coordination with other protective measures; and
- (10) research and monitoring needs to assess the effectiveness of any MPAs in achieving their specific design objectives, and whether and what adjustments in MPA implementation may be needed."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-1: Conservation Goals and Objectives and Habitats and Resources to be Protected

ACTIVITY NAME: None.

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Strategy Title; and section entitled "Strategy Description", Paragraph 1

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Rename MPA-1 as follows: "Conservation Needs Assessment, Goals and Objectives: Ecosystem, Habitat, and Fisheries Conditions, Health and Threats

Replace "Strategy Description", paragraph 1 with the following:

"This strategy outlines activities the working group must address in considering the range of habitats and ecological interactions which may warrant protection, assessing habitat and ecological health, identifying possible threats to these resources, and identifying conservation goals and objectives with regard to these resources and interactions."

LANGUAGE MODIFICATION WORKSHEET

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Boundary Issues

STRATEGY NAME: None

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Process – Phase 1

WHY is Modification to Strategy or Activity Language Necessary?

The concern here is that this issue, both generally and with regard to each of the two “Issues” set forth in the draft Plan, was not subject to examination by a SAC/stakeholder working group. No explanation was given to the SAC as to why this was done. An informal internal comment was that the question was “too political” to leave to the SAC. Here again is another example of how the Program and the MBNMS summarily adopted a position at the outset of the Plan review process in direct contradiction to the instructions given to participants in the working group process not to adopt positions, but to articulate interests.

Process – Phase 1 as written calls for an internal staff team to evaluate the issue. With respect to Issue I, a SAC representative from GFNMS and MBNMS will attend all team meetings as observers. [my emphasis] Thus, no actual participation by SAC and/or stakeholders other than Sanctuary staff is envisioned.

This is, in fact, what has occurred. A Joint Management Plan Review Cross-Cutting Boundary Team was formed and has issued a “Draft Findings Report”. This report calls for shifting the GFNMS/MBNMS boundary southward to San Pedro Point. The Team’s deliberations were observed by a representative from each SAC, who were not participants in the process that led to the draft report.

On July 22, 2003, the Gulf of the Farallones National Marine Sanctuary’s Advisory Council reviewed the Draft Findings Report. The GFNMS SAC found the Report “fatally flawed” and has recommended that an ad hoc committee of the SAC be formed, with stakeholder and other public participation, to revisit this boundary question (see letter to MBNMS SAC from GFNMS SAC). The general feeling of this body is that the GFNMS/MBNMS boundary should be shifted southward to Ano Nuevo, at the San Mateo County/Santa Cruz County line, but the group considered that because the process and the Draft Report were so unsatisfactory, the issue should be addressed as recommended.

HOW Would You Change the Language to Replace the Original Language?

To alternatives are proposed. In light of what has already happened, revise the section entitled “Process – Phase 2” as follows:

“The GFNMS/MBNMS boundary should be shifted southward to Ano Nuevo, at the San Mateo County/Santa Cruz County line. This recommended delineation will be incorporated into the Team’s Final findings Report.”

OR:

“The MBNMS SAC and the MBNMS should concur with the recommendations of the GFNMS SAC regarding the GFNMS/MBNMS boundary issue and cooperate accordingly in addressing the issue through an open process that consists of: (a) forming an ad hoc committee that includes SAC

representatives and public stakeholders; (b) preparing a new draft report based on full scientific and administrative/political information as recommended by the GFNMS SAC and peers from the scientific community; (c) review of the draft report by the ad hoc committee, scientific peer review, and a public review process of not less than sixty (60) days; (d) revision of the draft report; (e) presentation of the report to the SAC; and (f) action on the report, which shall include a recommendation as to an appropriate boundary shift."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-1: Conservation Goals and Objectives and Habitats and Resources to be Protected

ACTIVITY NAME: Activities 1.1-1.6

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language (Re: Strategy Name and Description, see previous worksheet.)

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Replace Activity 1.1 with current Activity 1.2

Replace Activity 1.2 with current Activity 1.3

Replace Activity 1.3 with current Activity 1.6 as amended as follows: **“Activity 1.6: Assess Degrees of Habitat and Fisheries Health and Define Areas that are Minimally Disturbed, Disturbed, Historically Productive and Currently Underused, Historically Productive and Currently Used. Develop guidelines for using best available scientific data and methods to evaluate habitat and fisheries health within Sanctuary waters. Coordinate and cooperate with appropriate agencies and institutions to develop the guidelines and carry out research as appropriate.”**

Keep Activity 1.4 as is

Replace Activity 1.5 with Activity 1.1 as amended as follows: **“Activity 1.5: Develop Conservation Goals Based on Needs Assessment of Activities 1.1-1.4”**

Replace Activity 1.6 with Activity 1.5 as amended as follows: **“Activity 1.6: Develop Specific Objectives for Habitats, Fisheries, Other Resources and Ecosystem Interactions Based on Needs Assessment of Activities 1.1-1.4 and Goals Developed in Activity 1.5”**

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-2: General Design Criteria

ACTIVITY NAME: Activities 2.1-2.3

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Rename MPA-2 as follows: **"Analysis of Existing Federal, State, and Local Protective Regulations, guidelines, and Practices"**

Replace section entitled "Strategy Description" with the following: **"Strategy Description.** This strategy outlines relevant ecological, habitat, and fisheries management regulations, policies, guidelines, and practices, and establishes a framework for evaluating these measures' effectiveness, whether they can be improved, and the extent to which they will address the findings of the needs assessment, and an identification of remaining gaps in protection that could be filled by using MPAs."

Replace Activities 2.1-2.3 with the following:

"Activity 2.1: Identify and Review Relevant Federal, State, and Local Regulations, Policies, Guidelines and Practices Regarding Ecosystem, Habitat, and Fisheries; Extent of, and Gaps in, Coverage; Identify Successes and Problem Areas, and Internal Potentials for Improvement"

"Activity 2.2: Evaluate Ability of Current Federal, State, and Local Regulations, Policies, Guidelines and Practices to Address Findings of Needs Assessment of Strategy MPA-1; Identify Gaps and Shortfalls that Cannot be Addressed by Internal Changes, but may be Appropriate for Special MPAs"

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-3: Types of Use

ACTIVITY NAME: Activities 3.1-3.2

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Replace Strategy MPA-3 with current draft Strategy MPA-2: General Design Criteria as amended as follows:

Rename new Strategy MPA-3 (amended Strategy MPA-2) as follows: **"Strategy MPA-3: General Design Criteria for Special MPAs in Federal Waters"**

Combine current draft strategies MPA-2 and MPA-10 as appropriate to avoid duplication

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-4: Integrated Management

ACTIVITY NAME: Activities 4.1-4.5

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Rename current Strategy MPA-4 as follows:

“Strategy MPA-4: Process for Providing Input to State MLPA, Design and Evaluation Criteria for Special MPAs in State Waters”

Replace current Strategy MPA-4 with current Strategy MPA-11

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-5: Socioeconomic Impact Analysis and Mitigation

ACTIVITY NAME: Activities 5.1-5.3

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Replace current Strategy MPA-5 with current Strategy MPA-3: Types of Use

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-6: Enforcement and Compliance Program

ACTIVITY NAME: Activities 6.1-6.5

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Rename MPA-6 as follows: "Analysis of integration and coordination of MPA use with other resource management measures including (a) identification of the appropriate MPA implementing agency or agencies, and (b) compliance and enforcement"

Delete Activities 4.1 and 4.2 [Note: They are covered in new proposed Strategy MPA-2]

Insert a new Activity 4.4 as follows: **"Activity 4.4: Identify Special MPA Implementing Agency or Agencies From Among Current Fisheries Management Agencies, or Alternative Cooperative Arrangements that Retain Fisheries Management Functions Within Current Fisheries Management Agencies and Other Habitat Management Functions Elsewhere"**

Change current Activity 4.4 to 4.5, and current Activity 4.5 to 4.6

Insert activities of current MPA-6: Enforcement and Compliance Program

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell **SEAT REPRESENTED:** Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-6: Enforcement and Compliance Program

ACTIVITY NAME: Activities 6.1-6.4

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. The following modifications include deletions, re-orderings, and changes in language as specified in detail below.

HOW Would You Change the Language to Replace the Original Language?

Incorporate this strategy within new Strategy MPA-5.

Rename MPA-6 as follows: "Socioeconomic Impact Analysis and Mitigation"

Incorporate current Strategy MPA-5 into new Strategy MPA-6.

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Special Marine Protected Areas

STRATEGY NAME: MPA-8: Research and Monitoring Program and Strategy; MPA-9: Timing Strategies and Phasing/Effectiveness Evaluations

ACTIVITY NAME: All Activities. Also, MPA-9 Activities 9.3 and 9.4.

WHAT is the Original Strategy or Action Language You Would Like to Modify?

All Strategy and Activity language

WHY is Modification to Strategy or Activity Language Necessary?

Consistency with the framework identified in the proposed modified Goal Statement, Introduction, and Workgroup Planning sections above. Also, research, monitoring, and evaluation should address the entire effort including the timing and phasing of introduction and operation of special MPAs. Hence, these effectiveness assessment tasks should conceptually follow their subject matter.

Further, the evaluation tasks in current MPA-9: Activities 9.3 and 9.4 should be included with the other research and monitoring tasks.

Lastly, methodologies and criteria for assessing performance of all MPAs must be developed before new MPAs are implemented. This should be explicitly stated.

HOW Would You Change the Language to Replace the Original Language?

Switch the order of these two strategies, so that current MPA-9 becomes new MPA-8 and vice versa.

Activities 9.3 and 9.4 of the current Strategy MPA-9: Timing Strategies, etc. should be transferred to the new MPA-9: Research and Monitoring Program

Add the following sentence to the sections entitled "Strategy Description" in both Strategies MPA-8 and MPA-9: "Methodologies and criteria for assessing performance of all MPAs must be developed before new MPAs are implemented."

PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Davidson Seamount

STRATEGY NAME: None

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Section entitled "Introduction"

Section entitled "Working Group Product – *Fishermen*"

WHY is Modification to Strategy or Activity Language Necessary?

This section, as well as the section entitled "Working Group Product, subsection *Fishermen*", and this action plan overall, says nothing about the issues concerning the highly migratory aspects of the albacore fishery, and the potential adverse impacts on this fishery of restrictions derived from sanctuary status for this seamount. This concern must be addressed.

HOW Would You Change the Language to Replace the Original Language?

Amend the section entitled "Introduction" as follows: Add a new last sentence to paragraph 2 as follows:

"Representatives of the albacore trolling fishery expressed concern that fishing restrictions resulting from sanctuary status for the seamount would have serious adverse affects on their fishery, as noted in the section on Working Group Product – *Fishermen*.

Amend the section entitled "Working Group Product – *Fishermen*" as follows: Add a new second paragraph as follows:

The albacore trolling fishery is a hook and line fishery which lies from 40-200 miles offshore beyond the continental shelf. The albacore is a highly migratory species that travels from the western pacific to the California coast and back, and may congregate in areas like the Davidson Seamount for brief periods. Although this hook and line fishery may not have an adverse affect on the Seamount region, fishing restrictions resulting from sanctuary status for the Seamount would seriously jeopardize the fishery. Many unknowns exist regarding this issue that need to be examined before new regulations are established for this area."

**PROPOSED ACTION PLAN
LANGUAGE MODIFICATION WORKSHEET**

NAME: Peter Grenell

SEAT REPRESENTED: Harbors

ACTION PLAN: Davidson Seamount

STRATEGY NAME: None

ACTIVITY NAME: None

WHAT is the Original Strategy or Action Language You Would Like to Modify?

Section entitled "Actions Requested From the SAC"

Section entitled "Future Management Plan Strategies if Davidson Seamount is Pursued Further"

WHY is Modification to Strategy or Activity Language Necessary?

These sections, and this action plan overall, say nothing about the issues concerning the highly migratory aspects of the albacore fishery and whether or not the fishery actually adversely affects the Seamount area, and the potential adverse impacts on this fishery of restrictions derived from sanctuary status for this seamount. This concern must be addressed.

These sections, and this action plan overall, also say nothing about the question of whether the Pacific Fisheries Management Council might be asked to consider MPA status for the Davidson Seamount that only prohibits bottom extraction. If this action were taken, it would solve all the problems raised in the work group.

HOW Would You Change the Language to Replace the Original Language?

Amend the section entitled "Actions Requested From the SAC" as follows: Add a new number 5 as follows:

"5. Does the SAC concur with the view that if the Pacific Fisheries Management Council is asked to consider MPA status for the Davidson Seamount that only prohibits bottom extraction, and if this action is taken, it would solve all the problems raised in the work group?"

Amend the section entitled "Actions Requested From the SAC" as follows: Add a new number 6. as follows:

"6. Does the SAC concur with the view that uncertainties regarding both the possibility of negative impacts of the hook and line albacore trolling fishery the Seamount ecosystem and habitat, as well as adverse impacts on the fishery itself as a result of sanctuary status-driven fishing restrictions, call for further research before recommending sanctuary status for the Seamount area can be usefully considered?"

Amend the section entitled "Future Management Plan Strategies if Davidson Seamount is Pursued Further" as follows: Add a new 'Strategy 1' as follows and re-number other proposed strategies accordingly:

"Strategy 1: Investigation of Possible Impacts On and By the Albacore Hook and Line Trolling Fishery"